83-215

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NO.

in the
Supreme Court
of the
United States

OCTOBER TERM 1983

HILDA BRIDGES,

Petitioner,

vs.

CAPE PUBLICATIONS, INC.,
and SCOTT MACLAY,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, FIFTH DISTRICT

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and

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I.

QUESTION PRESENTED FOR REVIEW

WHETHER THE FIRST AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION PROHIBIT A PRIVATE INDIVIDUAL, INVOLUNTARILY INVOLVED IN A NEWSWORTHY EVENT, FROM MAINTAINING A CAUSE OF ACTION AGAINST A MEDIA DEFENDANT FOR INVASION OF HER RIGHT OF PRIVACY THROUGH PUBLICATION OF LURID, THOUGH TRUTHFUL, PHOTOGRAPHS.

II.

INTRODUCTION AND LISTING OF PARTIES

Petitioner, HILDA BRIDGES, was the appellee/cross-appellant in the court below and plaintiff in the trial court. Respondents, CAPE PUBLICATIONS, INC., and SCOTT MACLAY, were appellants/cross-appellees in the lower court and defendants in the trial court.

In this Petition for Writ of Certiorari, the parties shall be referred to as Petitioner and Respondents and, in the alternative, by name. References to the required Appendix which accompanies this petition shall be preceded by the symbol "A." Unless otherwise indicated, all emphasis has been supplied by counsel.

TABLE OF CONTENTS

	Page
Question Presented for Review	i
Introduction and Listing of Parties	ii
Table of Authorities	iv
Reference to Opinion	1
Jurisdictional Statement	1
Relevant Constitutional Provisions	2
Statement of the Case and Facts	4
Reasons for Granting the Writ — Argument Thereon	7
Conclusion	14
Certificate of Service	15

TABLE OF AUTHORITIES

CASES — Page

Cason v. Baskin,
20 So.2d 243 (Fla. 1944) 13

Cox Broadcasting Corp. v. Cohn,
420 U.S. 469 (1975) 9, 10, 11, 12

Greenbelt Cooperative Pub. Assoc. v. Bresler,
398 U.S. 6 (1970) 8, 9

Jacova v. Southern Radio and Television Co.,
83 So.2d 34 (Fla. 1955) 13

Time, Inc. v. Hill,
385 U.S. 374 (1966) 7, 8

United States v. O'Brien,
391 U.S. 367 (1968) 12

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. I 2, 7, 9, 12

U.S. Const. amend. IV 2

U.S. Const. amend. V 2, 3

U.S. Const. amend. IX 2, 3

U.S. Const. amend. XIV, §1 ..... 2, 3, 7, 9, 12

Fla. Const. art. I, §23 13

TABLE OF AUTHORITIES (Continued)

STATUTES	Page
28 U.S.C. §1257(3)	1

RULES OF COURT

Rule 9.040(e), Fla. R. App. Pro.	6

V.

REFERENCE TO OPINION

The official report of the opinion of the District Court of Appeal of the State of Florida, Fifth District, sought to be reviewed herein, is cited at *Cape Publications, Inc. v. Bridges*, 423 So.2d 426 (Fla. 5th DCA 1982). A copy of the opinion is contained in Petitioner's Appendix (A 2-6). Certiorari was denied by the Supreme Court of Florida.

VI.

JURISDICTIONAL STATEMENT

The certiorari jurisdiction of this Court is sought to be invoked by Petitioner for review of an opinion of the District Court of Appeal of the State of Florida, Fifth District, entered on November 24, 1982 (A 2-6), rehearing denied on December 14, 1982 (A 7). The Supreme Court of Florida declined to exercise its certiorari jurisdiction on May 12, 1983 (A 9).

Petitioner believes that this Court should exercise its discretionary certiorari jurisdiction because this case presents a substantial federal question which has not been, but should be, settled by the Court. Jurisdiction is invoked pursuant to 28 U.S.C. §1257(3).

VII.

RELEVANT CONSTITUTIONAL PROVISIONS

The instant cause presents for this Court's review and resolution a conflict between the First and Fourteenth Amendment rights of the Respondents, and the Petitioner's constitutional right of privacy embodied in the penumbrae of the First, Fourth, Fifth, Ninth and Fourteenth Amendments. The verbatim text of each of these Amendments is set forth below:

AMENDMENT I.

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

AMENDMENT IV.

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

AMENDMENT IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

AMENDMENT XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

VIII.

STATEMENT OF THE CASE AND FACTS

On Monday, August 1, 1977, the Petitioner, HILDA BRIDGES, was abducted at gunpoint from her place of employment by her estranged husband and taken to his apartment in Cocoa, Florida. There he held Petitioner hostage, where he beat her and forced her to remove all of her clothing.

Police officers who appeared at the scene attempted to persuade Petitioner's husband to release her and to surrender. When these efforts failed, the apartment building was surrounded and his surrender was ordered. From outside of the building, the officers heard a gunshot and a woman's scream. Upon entering the apartment, it was discovered that the husband had shot himself in the chest; he died shortly thereafter.

HILDA BRIDGES was escorted by police officers from the scene of the shooting, being forced to leave the apartment while unclothed, clutching a small towel to her body to cover her nakedness.

Two newspaper reporters employed by *Today Newspaper*, a publication of Respondent, CAPE PUBLICATIONS, INC., were present at the scene as the events described above transpired. Both took a number of photographs, including pictures of Petitioner as she was escorted nude from the apartment building. One of these photographs, taken by Respondent SCOTT MACLAY, was published in the August 2, 1977, edition of Respondent, CAPE PUBLICATIONS, INC.'S *Today*.

The other photograph was released by Respondent, CAPE PUBLICATIONS, INC., for dissemination through the Associated Press wire service and was subsequently published by other newspapers. The published photographs depict nude frontal views of the Petitioner, grasping a small towel, as she fled from the scene of her husband's suicide in the company of a police officer.

Suit was filed by Petitioner against Respondents and others on June 19, 1978 in the Circuit Court of the Eighteenth Judicial Circuit in and for Brevard County, Florida, alleging causes of action for, among other theories of recovery not of concern to this Court,[1] invasion of her constitutional right of privacy through the non-consensual publication of embarrassing, humiliating photographs (A 11-21). Constitutional objections to maintenance of the suit were immediately and continuously raised by Respondents, in their motion to dismiss (A 22-27) and subsequent pleadings.[2] Following amendments to Petitioner's complaint, the trial court denied the Respondents' motions for summary judgment (A 28-29).

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[1]Petitioner's original complaint asserted causes of action for invasion of privacy, intentional infliction of emotional distress and trespass.

[2]With respect to the invasion of privacy count, Respondents' initial motion to dismiss was granted with leave afforded to Petitioner to amend her pleadings. Amendments to the complaint were made, and constitutional objections raised by the Respondents, on two occasions. In answer to the Petitioner's Second Amended Complaint, Respondents alleged their First and Fourteenth Amendment privilege as an affirmative defense, and also sought summary judgment on that basis.

Petitioner's case was submitted to a jury on her Second Amended Complaint on theories of invasion of privacy and intentional infliction of emotional distress. Petitioner's jury returned a general verdict against Respondents of compensatory and punitive damages. Both parties appealed, Petitioner asserting that the jury had been improperly instructed as to punitive damages and that the amount of the verdict was inadequate, and Respondents contending that the offending publications were not actionable at common law and were absolutely privileged under the First and Fourteenth Amendments.[3]

The opinion of the District Court of Appeal of the State of Florida, Fifth District, found that there was no invasion of Petitioner's privacy by virtue of publication of her photographs in connection with a newsworthy event, that the trial court erred in denying defense motions for entry of a directed verdict and judgment notwithstanding the verdict, and that the challenged photographs fell within "a newspaper's privilege to publish news in the public interest" (A 6).

Petitioner's motion for rehearing filed with the court below was denied on December 8, 1982 (A 7), as was Petitioner's application for certiorari filed in the Supreme Court of Florida (jurisdiction declined on May 12, 1983) (A 9). This proceeding timely followed.

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[3]These arguments were initially presented in the appellate court in the parties' briefs, since assignments of error are not permitted in Florida. Rule 9.040(e), Fla. R. App. Pro. The issues presented for review by the Respondents in their briefs before that tribunal are reproduced in Petitioner's Appendix at pages 31 through 32.

IX.

REASONS FOR GRANTING THE WRIT— ARGUMENT THEREON

The issue submitted herein for review is one as to which, albeit the subject of recurring allusion, this Court has assiduously avoided decision, to wit: whether the media privilege of publication under the First and Fourteenth Amendments precludes a cause of action for invasion of a private individual's right of privacy for publication of truthful but damaging information (in this case, photographs).

In *Time, Inc. v. Hill*, 385 U.S. 374 (1966), Mr. Hill sued for invasion of his privacy due to a false media report that a new play purportedly portrayed a true account of an ordeal suffered by Hill and his family. The family had involuntarily been involved in a news report of an incident in which they had been held hostage. Thereafter, a book had been written which formed the basis for a play, which in turn was the subject of a false magazine story.

In deciding that case, upon a finding that "truth is a complete defense in actions under the [New York] statute based upon reports of newsworthy people or events," *Id.* at 383, the Court declined to address "[c]onstitutional questions which might arise if truth were not a defense. . . ."[4]

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[4]The parties in Hill were specifically requested to brief the following question: " '(1) Is the truthful presentation of a newsworthy item ever actionable under the New York statute as construed or on its face? . . .' " *Id.* at 382, fn. 6, quoting 384 U.S. 995.

In discussing the little protection afforded the privacy of an involuntarily newsworthy person under the statute, the Court noted the possibility that, in a "right of privacy" case, "the published matter need not be defamatory, on its face or otherwise, and might even be laudatory and still warrant recovery." *Id.* at 384, fn. 9. However, this Court declined to reach that issue,[5] stating that "the question whether the same standard should be applicable both to persons voluntarily and involuntarily thrust into the public limelight is not here before us." *Id.* at 391.

In *Greenbelt Cooperative Pub. Assoc. v. Bresler*, 398 U.S. 6 (1970), the Court had occasion to address the question of whether truthful media reports could form the basis for an action for alleged defamation, where the plaintiff had been accused in a public meeting of "blackmail" with respect to his legitimate business dealings, and an account of the accusation had thereafter been published. Although the Court again refused to be drawn into answering the broad question,[6] the following observation was made:

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[5]The holding of Hill was that "the constitutional protections for speech and press preclude the application of the New York statute to redress false reports of matters of public interest in the absence of proof that the defendant published the report with knowledge of its falsity or in reckless disregard of the truth." *Id.* at 467.

[6]In Greenbelt, the Court held that "as a matter of constitutional law, the word 'blackmail' in these circumstances was not slander when spoken, and not libel when reported in the Greenbelt News Review." *Id.* at 13.

> It is not disputed that the articles published in the petitioners' newspaper were accurate and truthful reports of what had been said at the public hearings before the city council. [fn. omitted] In this sense, therefore, it cannot even be claimed that the petitioners were guilty of any 'departure from the standards of investigation and reporting ordinarily adhered to by responsible publishers,' Curtis Publishing Co. v Butts, supra, at 155, 18 L Ed 2d at 1111 (opinion of Harlan, J.), much less the knowing use of falsehood or a reckless disregard of whether the statements made were true or false. New York Times Co. v Sullivan, supra, at 280, 11 L Ed 2d 706.

Id. at 12-13.

It is this Court's decision in *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469 (1975), however, which most closely touches upon the question squarely presented in this case. In *Cox*, suit was filed by the father of a deceased, seventeen-year-old rape victim, claiming an invasion of privacy for release of his child's identity in television broadcasts. His action was founded upon a Georgia statute which made such disclosure punishable as a misdemeanor.

It appeared from the facts that the information disclosed had been obtained from judicial records. The defendants admitted the broadcasts but claimed that they were privileged under the First and Fourteenth Amendments. On appeal, the Georgia Supreme Court originally held that it was error to extend the applicable statute to a civil cause of action, but found that the

asserted misconduct gave rise to a common law cause of action for invasion of privacy not barred by either constitutional provision. On rehearing, the Georgia court disagreed that publication of the decedent's name was a matter of public interest, and upheld the constitutionality of the non-disclosure statute as a legitimate limitation upon the First Amendment. *Id.* at 474-475.

This Court reversed, but again declined to address "the broader question whether truthful publications may ever be subjected to civil or criminal liability consistently with the First and Fourteenth Amendments, or to put it another way, whether the State may ever define and protect an area of privacy free from unwanted publicity in the press. . . ." *Id.* at 491. Instead, the Court focused upon

> the narrower interface between press and privacy that this case presents, namely, whether the State may impose sanctions on the accurate publication of the name of a rape victim obtained from public records—more specifically, from judicial records which are maintained in connection with a public prosecution and which themselves are open to public inspection.

Id.

This narrow question was answered in the negative, but not without discussion of the direct confrontation posed between the equally fundamental constitutional claims of privacy and freedom of speech in cases involving otherwise private individuals and information:

> Because the gravamen of the claimed injury is the publication of information, whether true or not, the dissemination of which is embarrassing or otherwise painful to an individual, it is here that claims of privacy most directly confront the constitutional freedoms of speech and press. The face-off is apparent, and the appellants urge upon us the broad holding that the press may not be made criminally or civilly liable for publishing information that is neither false nor misleading but absolutely accurate, however damaging it may be to reputation or individual sensibilities.

Id. at 489.

This Court found no issue before it in *Cox* involving an action for invasion of privacy involving appropriation of one's name or photograph, no physical intrusion, and no claim that publication had been made of otherwise private information that was also false. Rather, the privacy interest at stake was "the right to be free from unwanted publicity about . . . private affairs, which, although wholly true, would be offensive to a person of ordinary sensibilities." *Id.*

In the case at bar, resolution of Petitioner's claim of invasion of privacy requires an answer to the question "carefully left open" in *Cox*, namely, in the words of the Court, "whether the First and Fourteenth Amendments require that truth be recognized as a defense in a defamation action brought by a private person as distinguished from a public official or public figure." *Id.* at 490.

It is important to note that Petitioner here sued Respondents, *not for the publication of truthful words*, but for the unnecessary, non-consensual publication of lurid, highly embarrassing *photographs* published in connection with the news story. Thus, this case does not present a clash of Petitioner's right of privacy with "pure speech" First and Fourteenth Amendment freedoms. Petitioner contends that the outrageous, offensive intrusion into her private affairs through publication of "nonspeech" elements does give rise to some limitation of the freedoms embodied in the First and Fourteenth Amendments.[7]

This Court acknowledged in *Cox* that "powerful arguments can be made, and have been made, that however it may be ultimately defined, there *is* a zone of privacy surrounding every individual, a zone within which the State may protect him from intrusion by the press, with all its attendant publicity." *Id.* at 487. (Emphasis in original.) Petitioner asserts that the gratuitous publication and dissemination by Respondents of sexually titillating photographs of her in this case served no legitimate constitutional purpose, but were tantamount to invasion of her privacy through misappropriation of

[7]Petitioner concedes that, were the published words alone the extent of Respondents' intrusion, her claim of violation of privacy would be constitutionally void. However, "[t]his Court has held that when 'speech' and 'nonspeech' elements are combined in the same course of conduct, a sufficiently important governmental interest in regulating the nonspeech element can justify incidental limitations on First Amendment freedoms." United States v. O'Brien, 391 U.S. 367, 376 (1968).

her photographed likeness. Such publications also invaded Petitioner's right to be free from unwanted, though truthful, publicity about her private affairs.

It is clear that, absent an unfavorable federal constitutional interpretation, Florida law has long recognized the tort of invasion of privacy, even when a media defendant is involved. *Cason v. Baskin*, 20 So.2d 243 (Fla. 1944); *Jacova v. Southern Radio and Television Co.*, 83 So.2d 34 (Fla. 1955).[8]

Petitioner respectfully requests this Court to exercise its discretionary certiorari jurisdiction in this cause, to quash the opinion of the lower court, and to direct that court to reinstate Petitioner's appeal for reconsideration on the merits.

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[8]An individual's right of privacy in Florida now also enjoys state constitutional protection. Article I, Section 23, of the Florida Constitution, approved by the electorate in November 1980, provides: "Every natural person has the right to be let alone and free from governmental intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right to access to public records and meetings as provided by law."

X.

CONCLUSION

Based upon the foregoing reasons and citations of authority, the Petitioner respectfully urges this Honorable Court to take jurisdiction of the instant cause, to review the cause on the merits, to quash the opinion herein sought to be reviewed, and to enter such other relief as this Court deems advisable under the circumstances.

Respectfully submitted,

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By:_____
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and

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By:_____
JAMES H. NANCE
Attorneys for Petitioner

X.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Petition for Writ of Certiorari was served, by mail, this ____ day of _____, 1983 on: JACK A. KIRSCHENBAUM, ESQ., 505 North Orlando Avenue, P. O. Box 757, Cocoa Beach, Florida 32931 and JOHN B. McCRORY, ESQ., Lincoln First Tower, P. O. Box 1015, Rochester, New York 14603, Attorneys for Respondents.

_____

JOAN H. BICKERSTAFF

Appendix

INDEX TO APPENDIX

	Page
Opinion	App. 2
Order Denying Rehearing	App. 7
Order Denying Petition for Writ of Certiorari	App. 9
Complaint with Exhibits	App. 11
Motion to Dismiss	App. 22
Order Denying Summary Judgment (as to Respondents)	App. 28
Initial Brief of Appellants; Issues Presented for Review	App. 31

[NOT FINAL UNTIL THE TIME EXPIRES TO FILE REHEARING MOTION, AND, IF FILED, DISPOSED OF.]

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT JULY TERM 1982

CAPE PUBLICATIONS, INC., and
SCOTT MACLAY,
Appellants/Cross-Appellees,

v.

HILDA BRIDGES,
Appellee/Cross-Appellant.

Opinion filed NOVEMBER 24, 1982

Appeal from the Circuit Court for Brevard County, Tom Waddell, Jr., Judge.

John B. McCrory and Robert C. Bernius, of Nixon, Hargrave, Devans & Doyle, Rochester, New York and Joe Teague Caruso and Jack A. Kirschenbaum, of Wolfe, Kirschenbaum, Caruso, Mosley & Kabboord, P.A., Cocoa Beach, for Appellants/Cross-Appellees.

Edward A. Perse, of Horton, Perse & Ginsberg, Miami, and Nance, Cacciatore & Sisseron [sic], Melbourne, for Appellee/Cross-Appellant.

DAUKSCH, J.

Appellee Bridges brought suit against appellants on the theories of invasion of privacy, intentional infliction of emotional distress, and trespass,[1] alleging that appellant's conduct in publishing a photograph of appellee was actionable. The news story reported the abduction of appellee by her estranged husband who came to her workplace and at gunpoint forced her to go with him to their former apartment. The police were alerted and after surrounding the apartment began efforts to free appellee. Her husband forced her to disrobe in an effort to prevent her escape. Her life was obviously in danger. This is a typical exciting emotion-packed drama to which newspeople, and others, are attracted. It is a newsworthy story. Upon hearing a gunshot, the police stormed the apartment and rushed appellee outside to safety. Appellee was clutching a dish towel to her body in order to conceal her nudity as she was escorted to the police car in full public view. The photograph revealed little more than could be seen had appellee been wearing a bikini and somewhat less than some bathing suits seen on the beaches. There were other more revealing photographs taken which were not published. The published photograph is more a depiction of grief, fright, emotional tension and flight than it is an appeal to other sensual appetites. The jury awarded appellee $1,000.00 in compensatory damages and $9,000.00 in punitive damages.

It is settled law in Florida that the right of privacy does not necessarily protect a person against the publication of his name or photograph in connection with the dissemination of legitimate news items or other matters of public interest. *Jacova v. Southern*

[1]The trespass claim was dismissed during trial.

Radio and Television Company, 83 So.2d 34 (Fla. 1955); *Cason v. Baskin*, 155 Fla. 198, 20 So.2d 243 (1944), *on appeal after remand*, 159 Fla. 31, 30 So.2d 635; *Harms v. Miami Daily News, Inc.*, 127 So.2d 715 (Fla. 3d DCA 1961). At some point the public interest in obtaining information becomes dominant over the individual's right of privacy. "It has been said that the truth may be spoken, written or printed about all matters of a private nature in which the public has a legitimate interest." *Cason v. Baskin*, 20 So.2d at 251. Within the scope of legitimate public concern are matters customarily regarded as "news." [2]

In determining the extent of the right of privacy, the standard by which the right is measured is based upon a concept of the person of reasonable sensibility; the hypersensitive individual will not be protected.

> An invasion of the right of privacy occurs not with the mere publication of a photograph, but occurs when a photograph is published where the publisher should have known that its publication would offend the sensibilities of a normal person, and whether there has been such an offense [sic] invasion of privacy is to some extent a question of law.

Jacova at 83 So.2d 36, 39.

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[2]Authorized publicity, customarily regarded as "news," includes publications concerning crimes, arrests, police raids, suicides, marriages, divorces, accidents, fires, catastrophes of nature, narcotics related deaths, rare diseases, etc. and many other matters of genuine popular appeal. Restatement of (Second) Torts, §652D Comment G (1977).

Although publication of the photograph, which won industry awards, could be considered by some to be in bad taste [3] the law in Florida seems settled that where one becomes an actor in an occurrence of public interest, it is not an invasion of her right to privacy to publish her photograph with an account of such occurrence.[4] *Jacova*, 83 So.2d at 36. Just because the story and the photograph may be embarrassing or distressful to the plaintiff does not mean the newspaper cannot publish what is otherwise newsworthy.

Likewise, the publication of the story and photograph does not meet the test of outrageousness as required for the independent tort of intentional infliction of

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[3]See *Neff v. Time, Inc.*, 406 F.Supp. 858, 860 (W.D. Pa. 1976) wherein the court noted:

> It seems to us that art directors and editors should hesitate to deliberately publish a picture which most likely would be offensive and cause embarrassment to the subject when many other pictures of the same variety are available. Notwithstanding, "[t]he courts are not concerned with establishing canons of good taste for the press or the public." (citation omitted).

[4]See Restatement of (Second) Torts, §652D Comment F (1977), which explains that such accounts are not an invasion of privacy to:

> [t]hose who are the victims of crime or are so unfortunate as to be present when it is committed, as well as those who are the victims of catastrophes or accidents or are involved in judicial proceedings or other events that attract public attention. These persons are regarded as properly subject to the public interest, and publishers are permitted to satisfy the curiosity of the public as to its heroes, leaders, villains, and victims, and those who are closely associated with them. As in the case of the voluntary public figure, the authorized publicity is not limited to the event that itself arouses the public interest and to some reasonable extent includes publicity given to facts about the individual that would otherwise be purely private.

emotional distress. *See Food Fair, Inc. v. Anderson*, 382 So.2d 150, 153 (Fla. 5th DCA 1980).

Courts should be reluctant to interfere with a newspaper's privilege to publish news in the public interest. The trial court erred in denying appellant's Motions for Directed Verdict and Judgment Notwithstanding the Verdict, so we must reverse the judgment.

REVERSED.

ORFINGER, C.J. and UPCHURCH, F., J., concur.

I hereby certify that the above and foregoing is a true copy of instrument filed in my office.

FRANK J. HABERSHAW, CLERK
DISTRICT COURT OF APPEAL OF
FLORIDA, FIFTH DISTRICT
Per /s/ Christina M. Wittman
Deputy Clerk

IN THE DISTRICT COURT OF APPEAL
OF THE STATE OF FLORIDA
FIFTH DISTRICT

CASE NO. 81-1552
81-1566

CAPE PUBLICATIONS, INC., and
SCOTT MACLAY,

Appellant/Cross-Appellee,

v.

HILDA BRIDGES,

Appellee/Cross-Appellant.

DATE: December 16, 1982

BY ORDER OF THE COURT:

ORDERED that Appellee's PETITION FOR REHEARING, filed December 8, 1982, is hereby denied.

I hereby certify that the foregoing is
(a true copy of) the original court order.

FRANK J. HABERSHAW, CLERK

By: /s/ Rowland W. Halliday
Deputy Clerk

(COURT SEAL)

cc: Edward A. Perse, Esquire
John B. McCrory, Esquire
Jack A. Kirschenbaum, Esquire

I hereby certify that the above and foregoing is a true copy of instrument filed in my office.

FRANK J. HABERSHAW, CLERK
DISTRICT COURT OF APPEAL OF
FLORIDA, FIFTH DISTRICT

Per /s/ Christina M. Wittman
Deputy Clerk

SUPREME COURT OF FLORIDA

THURSDAY, MAY 12, 1983

CASE NO. 63,088

District Court of Appeal,
5th District—Nos. 81-1552, 81-1566

HILDA BRIDGES,

Petitioner,

v.

CAPE PUBLICATIONS, INC., et al.,

Respondents.

This cause having heretofore been submitted to the Court on jurisdictional briefs and portions of the record deemed necessary to reflect jurisdiction under Article V, Section 3(b), Florida Constitution (1980), and the Court having determined that it should decline to accept jurisdiction, it is ordered that the Petition for Review is denied.

No Motion for Rehearing will be entertained by the Court. See Fla. R. App. P. 9.330(d).

BOYD, OVERTON, McDONALD and EHRLICH, JJ., concur
ADKINS, Acting C. J., dissents

A True Copy

TEST:

Sid J. White
Clerk Supreme Court

By Kay O. Gent
Deputy Clerk

TC
cc: Hon. Frank J. Habershaw, Clerk
Hon. Tom Waddell, Jr., Judge
Hon. Raymond C. Winstead, Jr., Clerk

Edward A. Perse, Esquire
Nance, Cacciatore & Sisserson
John B. McCrory, Esquire
Robert C. Bernius, Esquire
Jack A. Kirschenbaum, Esquire

[FILED MAY 18 '78]

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR BREVARD COUNTY

NO: 78-1864-CA-01-C

HILDA BRIDGES,

Plaintiff,

-vs-

SCOTT MACLAY, CAPE PUBLICATIONS, INC., a Florida corporation, THE ASSOCIATED PRESS, a foreign corporation, and GANNETT NEWS SERVICES, INC., a foreign corporation,

Defendants.

COMPLAINT

The Plaintiff, HILDA BRIDGES, sues the Defendants, SCOTT MACLAY (hereinafter referred to as "Maclay"), CAPE PUBLICATIONS, INC., a Florida corporation, d/b/a TODAY Newspaper (hereinafter referred to as "Cape"), THE ASSOCIATED PRESS, a foreign corporation, (hereinafter referred to as "AP"), and GANNETT NEWS SERVICES, INC., a foreign corporation, (hereinafter referred to as "Gannett").

1. This is a suit for damages in excess of Two Thousand Five Hundred Dollars ($2,500.00) exclusive of interest and costs.

2. That at all times material hereto the Defendant "Cape" was a Florida Corporation doing business as Today, a newspaper of general circulation in central Florida area including Brevard County.

3. That at all relevant times the Defendant "Gannett" was a foreign corporation doing business in the State of Florida, Brevard County.

4. At all relevant times the Defendant "AP" was a foreign corporation doing business in the State of Florida and that the said Defendant furnished and supplied wire services and news and press transmissions and releases to newspapers and other media and other media sources within the State of Florida and performed said services within the State of Florida for news and press transmissions as aforesaid to other media sources out of the State of Florida.

5. That the Defendant "AP" is subject to impersonam jurisdiction of the courts of the State of Florida pursuant to Florida Statute §48.181 and §48.193 in that the said Defendant was actually doing business in the State of Florida as hereinabove set forth and did transmit or cause to be transmitted Plaintiff's Exhibits "B" and/or "C" as hereinafter set forth.

6. On or about August 1, 1977, the Plaintiff, Hilda Bridges, was abducted from her place of employment at McDonnell Douglas Aeronautics plant in Titusville, Brevard County, Florida at gunpoint by her then estranged husband, Clyde Bridges. She was transported to the premises of 619 Peachtree Street, Apartment 7, Cocoa, Florida (hereinafter referred to as "the premises").

The Plaintiff was held against her will at the premises until approximately 6:00 p.m. August 1, 1977, at which time she was forcibly removed from the premises by the Police immediately following the suicide of Clyde Bridges. The facts relating to the Plaintiff's abduction and subsequent release are more particularly set forth in the newspaper article published by the Defendant "Cape", a true copy of which is attached hereto as Exhibit "A", and by such reference made a part hereof. Of relevance to this action is the fact that the Plaintiff had been repeatedly beaten and compelled to disrobe, and at the time of her release from the premises, was in an acute state of shock and emotional distress.

7. Copies of the photographs depicting the Plaintiff's removal from the premises are attached hereto as Exhibits "B" and "C" and by such reference made a part hereof.

8. During the period of time that the Plaintiff was held hostage by Clyde Bridges at the premises, the Defendant "Cape" dispatched to the area the Defendant "Maclay", a staff photographer, who took the photographs represented by Exhibits "B" and "C" without the consent of the Plaintiff.

9. On August 2, 1977, Exhibits "B" and "C" were published by the Defendants "Cape" in Today Newspaper without the consent of the Plaintiff. Copies of Exhibits "B" and "C" were provided to the Defendants "AP" and "Gannett" who distributed them to various publications subscribing to their services with the result that copies of Exhibits "B" and "C" were published, without the consent of the Plaintiff, by a number of newspapers of general circulation throughout the United

States and other countries, including St. Petersburg Times and Today.

10. At all relevant times prior to her release by the Police, the Plaintiff was involuntarily in the custody of Clyde Bridges, and so remained under the duress of death or serious bodily injury.

11. At all relevant times in which the Plaintiff was nude, she remained in such condition solely and exclusively from fear of death or serious bodily injury from Clyde Bridges and from the instructions and actions of the policy [sic] in hastily removing her from the premises.

12. At all relevant times the Plaintiff was the co-lessee with Clyde Bridges under a lease agreement for the premises and had the right of possession to the premises together with the appurtenant common areas in the apartment building in which the premises are located.

COUNT I

13. The Plaintiff reiterates and adopts as if fully set forth herein the allegations of paragraphs 1 through 12 inclusive.

14. The act of photographing of the Plaintiff in the state of nudity in which she exited at the time that Exhibits "B" and "C" were taken constitute an invasion of her right to the privacy of her physical person so as to cause the damages more specifically hereinafter stated.

COUNT II

15. The Plaintiff reiterates and adopts as if fully set forth herein the allegations of paragraphs 1 through 12 inclusive.

16. By taking the photographs represented by Exhibits "B" and "C" and causing the same to be published in the Today Newspaper and to be distributed to, and published in, various other newspapers, the Defendants invaded the Plaintiff's right to privacy of her person so as to cause the damages more specifically stated hereinafter.

COUNT III

17. The Plaintiff reiterates and adopts as if fully set forth herein the allegations of paragraphs 1 through 12 inclusive.

18. In taking the photographs represented by Exhibits "B" and "C" the Defendant "Maclay" entered upon the property subject to the aforesaid lease agreement and appurtenant to the premises and did so without the consent of the Plaintiff or any other person authorized to grant such consent. Such entry upon this property constituted a trespass, and contributed directly and proximately to the damages more specifically stated hereinafter.

COUNT IV

19. The Plaintiff reiterates and adopts as if fully set forth herein the allegations of paragraphs 1 through 11 inclusive.

20. The photographing of the Plaintiff and subsequent publication and distribution of the photographs was an intentional act of the Defendants. Said photographs depicted the Plaintiff in such a derogatory, scandalous, degrading, defaming and embarrassing manner as to constitute a liable upon her person and to directly and proximately cause the damages more specifically hereinafter stated.

COUNT V

21. The Plaintiff reiterates and adopts as if fully set forth herein the allegations of paragraphs 1 through 11 inclusive.

22. The act of taking, publishing and distributing the photographs represented by Exhibits "B" and "C" was a deliberate, malicious and concerted act of the Defendants especially calculated to cause severe emotional distress and mental pain and anguish to the Plaintiff, a person of ordinary sensibilities. Further, it was conduct exceeding all bounds that could be reasonably tolerated by society, and contributed directly and proximately to the damages more specifically stated hereinafter.

COUNT VI

23. The Plaintiff reiterates and adopts as if fully set forth herein the allegations of paragraphs 1 through 12 inclusive.

24. As a direct and proximate result of the acts of the Defendants as aforesaid, the Plaintiff has suffered severe embarrassment, humilation, emotional suffering,

anguish, and mental pain and suffering, and will suffer the same in the future.

WHEREFORE the Plaintiff, Hilda Bridges, sues the Defendants, Scott Maclay, Cape Publications, Inc., The Associated Press and Gannett News Service, Inc., jointly and severally, and demands judgment for damages, both compensatory and punitive, in excess of Twenty-Five Hundred Dollars ($2500.00) exclusive of costs and interest and further requests trial by jury of all issues triable as of a right by jury.

NANCE, CACCIATORE & SISSERSON

/s/ James H. Nance
JAMES H. NANCE

/s/ Sammy Cacciatore
SAMMY CACCIATORE
525 N. Harbor City Boulevard
Melbourne, Florida 32935
(305) 254-8416
Attorney for Plaintiff

EXHIBIT "A"

Teen by Suicide

Police Watch Ordeal Of Titusville Woman

TODAY Staff Photo by Staff Photo

DGES FROM SHOOTING SCENE
r strip to keep her from escaping

By GLEN MACNOW
and SEAN HICKEY
TODAY Staff Writers

A Cocoa man, frustrated with a court order barring him from seeing his estranged wife, kidnaped her from work Monday and held her hostage for two hours before shooting himself through the heart.

Clyde Bridges, 31, of 619 Peachtree St., Apt. 7, was pronounced dead at the scene at his apartment shortly after 6 p.m. Monday after shooting himself once with a .357 magnum revolver, police said.

His wife, Hilda Bridges, 24, of Titusville, stripped of her clothes, came running from the apartment after the shooting, covering herself with a small towel. Although she was not wounded, police said, she suffered cuts and bruises on the head from an apparent beating. Officers theorized Bridges made his wife strip to keep her from escaping.

Bridges was to face trial next week on charges of narcotics possession and resisting arrest with a dangerous weapon. He was arrested in his apartment by sheriff's agents June 15 and had been out on $500 bail, according to a sheriff's department spokesman.

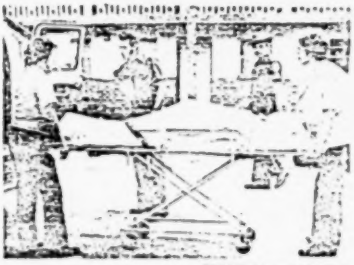
Bridges and his wife had been separated for about three weeks, neighbors said. Last week, a circuit court judge issued a restraining order barring him from contacting her.

Witnesses said Bridges, an unemployed air duct worker, approached his wife outside the McDonnell Douglas Astronautics Co. plant in Titusville, where she works, shortly after the 4 p.m. quitting time. He grabbed her and forced her into his car while several bystanders tried to stop him.

Witnesses said Bridges pulled a silver-plated revolver and waved it at those attempting to stop him before driving away.

"Everybody was trying to stop him," said Mae Kudukis, an assembly line worker at the plant. "But, he just kept driving in the lot trying to get away. He came close to hitting several people and finally took off across the front lawn. It

See SUICIDE, Col. 1
Back Page This Section

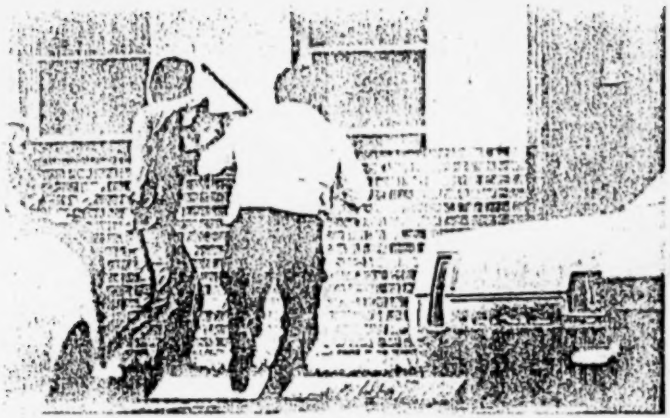


TODAY Staff Photo by Sue Brown

CLYDE BRIDGES' BODY IS REMOVED
. . . 31-year-old shot himself with .357 magnum

EXHIBIT "A"

App. 19



Left, Seconds After Ordering Clyde Bridges To Give Up Sheriff's Deputies Hear Shot; Right, Agents Rush His Cocoa Apartment

Cocoa Man Kills Self in Daylight Abduction

UICIDE, From 1A

re... mess."

ridges entered SR 405 ith a security exit, but ses couldn't tell if he toward I-95 or U.S. 1.

coa police set up a ock on U.S. 1 near nnett Causeway, but find the couple.

ocoa police spotted the an hour later outside ent' apartment. He oked up inside, using le as a hostage.

short time later, sher- partment agents, led ent. Mark Overacker Capt. Red May at- to talk Bridges into surrendering.

Action was stalled while agents sought vainly to locate a relative or friend of Bridges who could persuade him to give up. Another plan, talking to Bridges over the phone, failed when officers learned his apartment had no telephone.

Agents decided to move in and surround the apartment shortly after 6 p.m.

"Let's get this over with before dark," May told officers, "and please be careful."

Six squad cars from the sheriff's and Cocoa police departments drove up in front of the building, while other officers stood at the front and rear exits.

"Clyde Bridges, this is the Brevard County Sheriff's Department," May called through a bullhorn. "Come out with your hands up."

Seconds later, agents heard the pop of a revolver and the scream of a woman. Fearing Bridges had shot his wife, police rushed the building to find Mrs. Bridges nude, screaming in a corner and Bridges writhing on the floor, apparently reaching for the gun he had dropped after shooting himself.

A deputy kicked the gun away and within minutes, Bridges died of internal wounds as his dog stood whimpering over his body.

According to May, Mrs. Bridges seemed calm after the shooting, and wanted to give agents her statement before receiving medical treatment.

She told agents her husband had threatened to kill her after the kidnaping, and had charged, "I've had enough."

Mrs. Bridges was taken to Wuesthoff Memorial Hospital in Rockledge, where she was treated for shock and lacerations, and released. She was taken to the Titusville home of a friend.

Police said there was no indication she had been sexually assaulted.

Bridges' neighbors, who called him a quiet man, said they were shocked by his actions.

"He and his wife never did much fighting or screaming," said apartment owner Ann Graybill. "I was pretty surprised when she moved out a few weeks ago. He seemed like a nice person."

"Clyde used to come over when I got together with friends to drink beer and watch ballgames," said Bobby Smith who lived in the apartment above Bridges. "He didn't ever exhibit any stress."

"Sometimes he seemed kind of down," said Smith, who works at the Brevard Mental Health Center, "but it never seemed he would do something like this."

Sheriff's agents, however, had a different feeling about Bridges.

"Everything we did was with one thing in mind," said Overacker. "We wanted to get that girl out alive."

"In that sense," May added, "I guess we won."

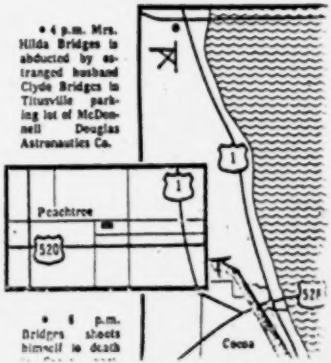

• 4 p.m. Mrs. Hilda Bridges is abducted by estranged husband Clyde Bridges in Titusville parking lot of McDonnell Douglas Astronautics Co.
Peachtree
520
1
• 6 p.m. Bridges shoots himself to death
Cocoa

EXHIBIT "B"

Sports Highlights

Miami Dolphins waive suspended players Randy Crowder and Don Reese, who are awaiting a trial in drug charges, 1C.

Cincinnati's George Foster homers twice as the Reds beat Chicago, 7-6; Cocoa Astros lose two to Lakeland, 1C. Complete sports, 1-3C.

Tuesday, August 2, 1977

TODA

Florida's Space Age Newspc

A Gannett newspaper published in Brevard County

Wife Freec

TODAY Staff Photo by Scott Hoc

CAPT. RED MAY ESCORTS HILDA BRIDGES FROM SHOOTING SCENE
. . . agents theorize her husband made her strip to keep her from escapin

Palm Beach 73 92

Nation

	H	L	Sky
Albany	80	71	cln
Albuquerque	92	68	cdy
Anchorage	69	55	cdy
Atlanta	89	70	cdy
Birmingham	92	71	cln

'I've had enough'

Unemployed, facing drug charges, man kidnaps estranged wife, then shoots himself to death

United Press International

COCOA — Clyde Bridges' neighbors said that he was a quiet man who masked his feelings. Then his marriage broke up.

"Clyde used to come over when I got together with friends to drink beer and watch ballgames," said Bobby Smith, who lived in the apartment above Bridges. "He didn't ever exhibit any stress."

A judge had issued a restraining order barring him from contacting his estranged wife. He faced trial next week on charges of narcotics possession and resisting arrest with a dangerous weapon.

MONDAY HE took up a gun.

Bridges, 31, kidnaped his estranged wife Hilda, 24, of Titusville from work Monday afternoon and held her hostage for two hours. Police surrounded his apartment, ordered him to surrender and were preparing to rush the home when Bridges shot himself through the heart and died.

Mrs. Bridges, stripped of her clothes, came running from the apartment after the shooting, covering herself with a small towel. Police theorized that Bridges made his wife strip to keep her from escaping.

WITNESSES said Bridges, an unemployed air duct worker, aproached his wife outside the McDonnell Douglas Astronautics Co. plant in Titusville where she works shortly after quitting time Monday. He grabbed her and forced her into his car while several bystanders tried to stop him.

Cocoa police spotted Bridges' car an hour later outside his apartment. He had barricaded himself inside, using his wife as a hostage.

Brevard County sheriff's deputies tried to talk Bridges into surrendering, but failed. Shortly after 6 p.m., officers moved in.

Seconds later, deputies heard a shot. Officers rushed into the apartment to find Mrs. Bridges nude, screaming in a corner and Bridges writhing on the floor, apparently reaching for the gun that he had dropped after shooting himself.

His dog stood whimpering over his body.

Brevard County Sheriff's Capt. Red May said Mrs. Bridges told deputies her husband had threatened to kill her after the kidnaping, saying: "I've had enough."

MRS. BRIDGES was treated at a Brevard hospital for shock and cuts and taken to a friend's home. Police said there was no indication she had been sexually assaulted.

Neighbors, meanwhile, recall Bridges as a quiet man.

"He and his wife never did much fighting or screaming," apartment owner Ann Graybill said. "I was pretty surprised when she moved out a few weeks ago. He seemed like a nice person."

What initiated the incident may have been a canceled meeting with his wife in which Bridges wanted to make a last attempt at reconciliation, Mrs. Bridges' attorney said.

Attorney Alexander Vance Jr. of Titusville, who was representing Mrs. Bridges in her divorce suit, said a meeting had been set up for 4 p.m. Monday in the office of Bridges' attorney, Ken Studstill.

"Hilda later decided she was not going to be there," Vance said. "I think because Bridges did not have a telephone, he did not learn she was not going to be there until he showed up for the meeting.

"This could have triggered the subsequent kidnaping," he said.

AP

Hysterical Mrs. Bridges is helped from apartment.

EXHIBIT "C"

App. 21

EXHIBIT "C"

[FILED MAY 16 448 PM '78]

IN THE CIRCUIT COURT OF THE
18TH JUDICIAL CIRCUIT IN AND
FOR BREVARD COUNTY, FLORIDA

CIVIL ACTION NO. 78-1864-CA-01-C

HILDA BRIDGES,

Plaintiff,

-vs-

SCOTT MACLAY, CAPE PUBLICATIONS, INC., a Florida corporation, THE ASSOCIATED PRESS, a foreign corporation, and GANNETT NEWS SERVICES, INC., a foreign corporation,

Defendants.

MOTION TO DISMISS

Defendants SCOTT MACLAY, CAPE PUBLICATIONS, INC., AND GANNETT NEWS SERVICES, INC., by undersigned counsel, hereby move the Court pursuant to Florida R.C.P. 1.140(d) (6), for an order dismissing Counts I through VI of Plaintiff's Complaint for failure to state causes of action, upon the following grounds:

COUNT I

1. As a matter of law, Count I of Plaintiff's Complaint fails to allege facts sufficient to constitute a cause of action for invasion of privacy under any of the four theories recognized by law in Florida. Specifically, the complaint fails to allege: an appropriation, for the Defendant's benefit or advantage, of the Plaintiff's name or likeness; an intrusion upon the Plaintiff's physical solitude or seclusion; a public disclosure, of a highly objectionable kind, of private information about the Plaintiff; or, publicity which places the Plaintiff in a false light in the public eye.

2. As alleged in Plaintiff's Complaint, Defendant MACLAY is a press photographer and thereby entitled to the free speech and free press privileges and protections afforded by the First and Fourteenth Amendments of the United States Constitution and Article I, Section 4 of the Constitution of the State of Florida. As a matter of law, the aforesaid constitutional privileges and protections prohibit imposition of liability on Defendant MACLAY for photographing the Plaintiff while she was involved in a matter of obvious legitimate general public interest and concern.

COUNT II

3. As a matter of law, Count I of Plaintiff's Complaint fails to allege facts sufficient to constitute a cause of action for invasion of privacy under any of the four theories recognized by law in Florida. Specifically, the complaint fails to allege: an appropriation, for the Defendants' benefit or advantage, of the Plaintiff's name

or likeness; an intrusion upon the Plaintiff's physical solitude or seclusion; a public disclosure, of a highly objectionable kind, of private information about the Plaintiff; or, publicity which places the Plaintiff in a false light in the public eye.

4. As alleged in Plaintiff's Complaint, Defendants are members of the press and thereby entitled to the free speech and free press privileges and protections afforded by the First and Fourteenth Amendments to the United States Constitution and Section I, Article 4 of the Constitution of the State of Florida. As a matter of law, the aforesaid constitutional privileges and protections prohibit imposition of liability on Defendants for the taking, publication and distribution of the photographs complained of while the Plaintiff was involved in a matter of obvious legitimate general public interest and concern.

COUNT III

5. As a matter of law, Count III of Plaintiff's complaint fails to allege facts sufficient to constitute a cause of action for trespass in that the complaint is devoid of allegations that Defendant MACLAY's entry onto the appurtenant or common grounds of the apartment complex was not peaceable, was made over objection of Plaintiff, or was not in accordance with common custom or usage.

6. As a matter of law, Count III of Plaintiff's Complaint fails to allege facts sufficient to constitute a cause of action for trespass in that Plaintiff has no standing to pursue such a cause of action for trespass

upon appurtenant or common grounds of an apartment complex which Plaintiff did not own and of which Plaintiff had no exclusive right of possession.

COUNT IV

7. As a matter of law, Count IV of Plaintiff's Complaint fails to allege facts sufficient to constitute a cause of action for libel, in that the complaint is devoid of any allegation that the photograph complained of was in any way false or inaccurate.

COUNT V

8. As a matter of law, Count V of Plaintiff's Complaint fails to allege facts sufficient to constitute any cause of action. As alleged in Plaintiff's Complaint, Defendants are members of the press and thereby entitled to the free speech and free press privileges and protections afforded by the First and Fourteenth Amendments to the United States Constitution and Section I, Article 4 of the Constitution of the State of Florida. As a matter of law, the aforesaid constitutional privileges and protections prohibit imposition of liability on Defendants for the taking, publication and distribution of the photograph complained of while the Plaintiff was involved in a matter of obvious legitimate general public interest and concern.

COUNT VI

9. As a matter of law, Count VI of Plaintiff's Complaint fails to allege facts sufficient to constitute a cause of action under any theory of law. Count VI of

Plaintiff's Complaint alleges no more than that Plaintiff has suffered damages, with no allegation of any duty owed the Plaintiff by the Defendants, any breach of any such duty, or that any breach of any such duty was the cause of the alleged damages.

WHEREFORE, Defendants SCOTT MACLAY, CAPE PUBLICATIONS, INC. and GANNETT NEWS SERVICES, INC. pray the Court enter an order dismissing Counts I through VI of Plaintiff's Complaint.

/s/ William T. McCluan

William T. McCluan, of
CROFTON, HOLLAND,
STARLING, HARRIS &
SEVERS, P.A.
P.O. Box 459
Melbourne, Florida 32901
(305) 724-1226

Attorneys for Defendants
MACLAY, CAPE AND
GANNETT

I HEREBY CERTIFY that a true copy of the foregoing was furnished by mail this 16th day of June, 1978, to Sammy Cacciatore, Esquire, NANCE,

CACCIATORE & SISSERSON, 525 N. Harbor City Boulevard, Melbourne, Florida 32935, Attorneys for Plaintiff.

/s/ William T. McCluan
Attorney

STATE OF FLORIDA,
COUNTY OF BREVARD

I HEREBY CERTIFY that the above and foregoing is a true copy of the original filed in this office.

R.C. WINSTEAD, JR.,
Clerk Circuit Court

Dated 7/26/83

By /s/ A. Claudius D.C.

[FILED OCT 5 1017 AM '81]

IN THE CIRCUIT COURT IN AND FOR
BREVARD COUNTY, FLORIDA.

CASE NO: 78-1864-CA-01-CB

HILDA BRIDGES,

Plaintiff,

vs.

SCOTT MACLAY, CAPE PUBLICATIONS INC., a Florida corporation, GANNETT NEWS SERVICES, INC., a foreign corporation, and ROBERT BROWN

Defendants.

ORDER

This cause came on to be heard on 16th day of September, 1981, upon the Motions for Summary Judgment of the Defendants Cape Publications, Inc., Scott Maclay, Gannett News Services, Inc., and Robert Brown. The Court having heard arguments of counsel, reviewing the file and being otherwise fully advised in the premises find that there are genuine issues of law and fact regarding the claims of the Plaintiff against the Defendants Scott Maclay, Cape Publications, Inc., and Robert Brown. The Court further finds that there are no genuine issues of law and fact in the claims of the Plaintiff against Defendant, Gannett News Services, Inc.

IT IS THEREUPON ORDERED AND ADJUDGED

1. That the Motions for Summary Judgment of the Defendants, Scott Maclay, Cape Publications, Inc., and Robert Brown be and the same is hereby denied.

2. That the Motion for Summary Judgment of the Defendant Gannett News Services, Inc., be and the same is hereby granted.

DONE AND ORDERED in Chambers at the Brevard County Courthouse, in Melbourne, Brevard County, Florida, this 18th date of September, 1981.

/s/ T. Waddell, Jr.
CIRCUIT JUDGE

I HEREBY CERTIFY that a copy of the foregoing has been furnished, by mail, to Jack A. Kirschenbaum, Esquire, Post Office Box 757, Cocoa Beach, Florida 32931 and John B. McCrory, Esquire, Post Office Box 1051, Rochester, New York 14603 this 24th day of September, 1981.

/s/ Jayne E. McGonigal
Secretary to Circuit Judge.

STATE OF FLORIDA,
COUNTY OF BREVARD

I HEREBY CERTIFY that the above and foregoing is a true copy of the original filed in this office.
R. C. WINSTEAD, JR.,
Clerk Circuit Court

Dated 7/26/83
By /s/ A. Claudius D.C.

IN THE DISTRICT COURT OF APPEAL OF
THE STATE OF FLORIDA, FIFTH DISTRICT

5 DCA Case No. 81-1552
81-1566 (CONSOLIDATED)

Appeal from Circuit Court, Brevard County

HILDA BRIDGES,

Appellee-Cross Appellant,

-against-

SCOTT MACLAY and CAPE PUBLICATIONS, INC.,

Appellants-Cross Appellees.

INITIAL BRIEF OF APPELLANTS

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Robert C. Bernius Rochester, New York 14603
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Of Counsel (305) 783-2218
Attorneys for Appellants

TABLE OF CONTENTS AND ISSUES PRESENTED FOR REVIEW

Page

TABLE OF AUTHORITIES iii

PRELIMINARY STATEMENT 1

STATEMENT OF THE CASE 2

ISSUES PRESENTED FOR REVIEW 2

1. Is a newspaper's publication of a true and accurate photograph, portraying a major local news event, actionable, or is tort liability forbidden both constitutionally and by the common law? 2

2. Is a newspaper's publication of a true and accurate photograph, portraying an event which occurs in full public view, actionable, or is tort liability forbidden both constitutionally and by the common law? . 3

3. May punitive damages constitutionally be imposed upon a newspaper which publishes a true and accurate news photograph? ... 3

STATEMENT OF THE FACTS 3

A. Introduction 3

B. The Criminal Episode 4

C. The News Story 5

SUMMARY OF ARGUMENT 8